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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/616,449

07/08/2003

Robert T. Baum

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VERIZON
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EXAMINER

LIPMAN, JACOB

ART UNIT

PAPER NUMBER

2434

NOTIFICATION DATE

DELIVERY MODE

05/28/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

Office Action Summary	Application No. 10/616,449	Applicant(s) BAUM, ROBERT T.	
	Examiner JACOB LIPMAN	Art Unit 2434	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5, 7, 9-13, 16-18 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7, 9-13, 16-18, and 32-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a-n international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 2, 3, 5, 7, and 16, 17 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Tuck et al., USPN US 2004/0249975.

With regard to claim 2, Tuck discloses a security method (0013) for use in a communication system ([0040]), the method including receiving an IP packet including a source address and a destination address ([0055], [0061]), obtaining physical location information indicating the location of a user device which is the source of said IP packet ([0081]), prior to delivery of the packet to the destination address ([0056]), wherein the determining the location of the user device further includes performing a database lookup operation to retrieve a geographic location stored in association with edge router and port information ([0054]-[0056]), determining, as a function of the obtained physical location information, an action to be taken ([0116]), and comparing the obtained physical location information to the information listing physical locations authorized to obtain access to a service for which security is to be provided ([0013]).

With regard to claims 3, 5, 17, and 32 Tuck discloses dropping the packet, and reporting an error if the location does not match ([0017]), and forwarding it if it does ([0119]).

With regard to claim 7 Tuck discloses using router and port information ([0073]).

With regard to claim 16, Tuck discloses applying security based on requested resource and the user attempting to access it ([0013]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 18, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuck in view of Anderson et al., USPN 6,684,250.

With regard to claims 4 and 18, Tuck discloses the method of claim 2, as outlined above, but does not disclose the specific service being requested. Anderson discloses one content is video on demand (column 1 lined 20-22). It would have obvious for one of ordinary skill in the art to apply the firewall of Tuck to the video system of Anderson to protect it from intrusion.

With regard to claims 33 and 34, Tuck discloses the method of claim 32, as outlined above, but does not mention notifying the police. The examiner takes official notice that it is well known to inform the police about possible fraud. It would have been

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obvious for one of ordinary skill in the art to notify the police when detecting fraud in Tuck and to give them all known information, for the motivation of enforcing justice.

With regard to claim 35, Tuck discloses using the MAC address ([0012]).

5. Claims 9-13, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuck in view of Anderson in further view of Igval, USPub 2002/0165835 A1.

With regard to claim 9-13, 36, and 37, Tuck in view of Anderson discloses conducting a fraud check, but does not disclose a scheduled location-reporting message. Anderson does not disclose tracking the location or movement of a specific device, but is interested in the location of a message origin. Igval discloses using a geographical locating system, ([0027]) to determine if a device is in an expected location, and checking for a stolen meter and informing the authorities of its unexpected location ([0028]). It would have been obvious for one of ordinary skill in the art to use the method disclosed by Tuck to protect the postage meter of Igval, for the stated motivation of Igval of locating the device ([0027]). Further, just as Igval wishes to insure postage meters are located in the proper area, it would have been obvious to apply this check by any device that has an expected area.

Response to Arguments

6. Applicant's arguments filed 9 April 2009 have been fully considered but they are not persuasive.

With regard to applicant's argument that Tuck does not disclose using a database, but rather uses the NIC number, The examiner points out that the NIC

number is used to locate the MAC address, physical location, and user data in a database lookup ([0052]).

With regard to applicants argument that no location request message is transmitted, the examiner points to the database lookup of Tuck, as outlined above, and further seen in [0014].

With regard to applicant's argument that Tuck does not disclose determining an error when the location does not match an expected location, the examiner points to 0017-0019 of Tuck, where Tuck discloses that the NIC is used as location information, and when it does not match any address in the database (expected locations), a security procedure is initiated.

With regard to applicant's argument that Igval does not teach comparing an ID with a list of stolen device IDs, the examiner points out that Igval teaches flagging an ID as lost or stolen, and then will compare later IDs with the flagged ones.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACOB LIPMAN whose telephone number is (571)272-3837. The examiner can normally be reached on M-Fr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jacob Lipman/
Examiner, Art Unit 2434